

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on June 9, 2004. Claims 1-50 are pending. Claim 1 has been amended.

35 U.S.C. § 101

Examiner has rejected claims 1-41 under 35 U.S.C. § 101 as being directed to non-statutory subject matter for only reciting an abstract idea. While Applicants do not agree with the rejection, claim 1 has been amended to include the "network" in the body of the claims. An element of claim 8 is a "network transaction." Therefore, claim 8 has a specific technology in the body of the claim and is directed toward non-statutory subject matter. Claim 28 also recites a network in the body of the claim, which is a specific technology. Applicants respectfully submit that Examiner's rejection with respect to claims 1-41 has been overcome.

35 U.S.C. § 102(e)

Examiner has rejected claims 1-50 under 35 U.S.C. § 102(e) as being anticipated by Ben-Shaul et al. (U.S. Publication No. 2002/0010798). Applicants respectfully traverse Examiner's rejections.

Applicants contend that this reference does not teach or suggest all of the limitations of Applicants' claims. Ben-Shaul teaches deploying secondary web servers (called "edge servers") to cache, store, and deliver web content to an end user. (Paragraphs 0072 and 0214.) An end user makes a request to an "origin" website only to have the request redirected to the edge server and the edge server supplies the web content to the end user. (Paragraphs 0072 and 0214.) The content provider or end user controls the behavior of the edge server by defining service profiles. (Paragraphs 215 and 229.)

All of Applicants' claims teach having a "third party" involved. A third party is "a person other than the principals." Webster's Third New International Dictionary

Unabridged 238 (1986). Ben-Shaul never uses a third party to intercept requests from an end user. Instead an edge server is deployed to receive redirected attempts to connect to the origin server. An edge server as defined by Ben-Shaul is “a subordinate software server that resides in an “edge” of the internet (e.g., at an internet service provider) and provides enhanced content delivery services to users on behalf of one or more origin servers.” (Paragraph 0170.) These edge servers are simply extensions of the origin server (a principal) or copies of the origin server at a different physical location (e.g., at an internet service provider) but are still owned/operated by the principal. Therefore, these edge servers cannot be considered a third party as they are in fact the same party as the content provider but just at a different physical location. At least for this reason Ben-Shaul does not anticipate Applicants’ claims.

With respect to Applicants’ claim 1, Ben-Shaul does not teach or disclose “permitting the enhanced content programming to be provided to the receiver in response to the user request only if the content provider is an authorized content provider.” Applicants’ claim 1 has an authorized content provider. Ben-Shaul instead teaches that the user has to be authorized (“content provider permits downloading of such content only after the user requesting has been authorized”). (Paragraph 0426.) By requiring the content provider to be authorized, a network operator can better control what content is on his network. As discussed above, nor does Ben-Shaul teach or disclose having a third party intercepting a user request for enhanced content programming. Instead of being intercepted by a third party, a user request directed toward the content provider is redirected to the content provider controlled edge server. At least for these reasons, Ben-Shaul does not teach all of the elements of the claim 1. Applicants respectfully submit that Examiner’s rejection has been successfully traversed.

Claims 2-7 are dependent on claim 1. Applicants respectfully submit that claims 2-7 are not anticipated for at least the same reasons as claim 1 and that Examiner’s rejections are successfully traversed.

With respect to Applicants’ claim 8, Ben-Shaul does not teach or disclose “appending additional parameters to said user request.” Applicants’ claim 8 appends additional parameters to a user request. Ben-Shaul instead discloses redirecting a user request to the appropriate edge server based on either what the user is requesting or the

attributes of the user (paragraphs 72 and 107). Ben-Shaul also does not teach or disclose “extracting transaction information from the user request response sent by the content provider.” At least for these reasons, Ben-Shaul does not teach all of the elements of the claim 8. Applicants respectfully submit that Examiner’s rejection has been successfully traversed.

Claims 9-27 are dependent on claim 8. Applicants respectfully submit that claims 9-27 are not anticipated for at least the same reasons as claim 8 and that Examiner’s rejections are successfully traversed.

With respect to Applicants’ claim 28, Ben-Shaul does not teach or disclose “detecting triggers within said portion of said enhanced broadcast information.” It does not teach detecting triggers of any sort. Nor does Ben-Shaul does teach or disclose Claim “appending third party parameters to said intercepted user request.” It instead discloses redirecting a user request to the appropriate edge server based on either what the user is requesting or the attributes of the user but nothing is added to the request. (Paragraphs 72 and 107.) Any attribute of the user that is sent out is stored in a cookie, however, this cookie is only transferred when the user makes a request and is not appended after the edge server receives the request. (Paragraph 107.) At least for these reasons, Ben-Shaul does not teach all of the elements of the claim 28. Applicants respectfully submit that Examiner’s rejection has been successfully traversed.

Claims 29-41 are dependent on claim 28. Applicants respectfully submit that claims 29-41 are not anticipated for at least the same reasons as claim 28 and that Examiner’s rejections are successfully traversed.

Applicants’ claim 42 is directed to a system for providing enhanced content programming to a user. Ben-Shaul does not teach or disclose a third party “means for appending operation parameters to said request” or “means for directing said appended request to said content provider.” Requests are redirected to an edge server (not a third party) that determines what content should be distributed from the edge server. (Paragraph 220.) Nor does Ben-Shaul teach “third party means for intercepting a response to said request initiated by said content provider.” The edge server simply distributes the content requested. (Paragraph 220.) At least for these reasons, Ben-Shaul

does not teach all of the elements of the claim 42. Applicants respectfully submit that Examiner's rejection has been successfully traversed.

Claims 43-50 are dependent on claim 42. Applicants respectfully submit that claims 43-50 are not anticipated for at least the same reasons as claim 42 and that Examiner's rejections are successfully traversed.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that the present application is in condition for allowance, for which early action is earnestly solicited.

Examiner is invited to telephone the undersigned to help expedite any further prosecution of the present application.

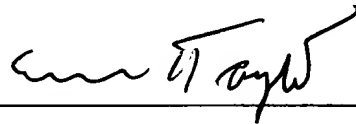
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully Submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: _____

10/8/04



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